

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALEXANDER D. SEVILLET,)	
)	
Plaintiff,)	2:11-cv-00761-PMP-CWH
)	
vs.)	<u>ORDER</u>
)	
DWIGHT NEVEN, <i>et al.</i> ,)	
)	
Defendants.)	

This matter is before the Court on Defendants' Motion to Strike Plaintiff's Amended Civil Rights Complaint (#61), filed January 5, 2012, and Plaintiff's Response (#67), filed January 12, 2012.

On January 3, 2012, the Court entered an order in this matter granting Plaintiff's prior motion to amend (#44) for the limited purpose of substituting Scott Alexander in place of Joe Doe Defendant. *See* Order (#54). The amended complaint was "denied in all other respects without prejudice to Plaintiff seek[ing] further amendment . . . provided [Plaintiff] include a copy of his proposed Amended Complaint pleading *with the motion*." *Id.* (emphasis added). Just one day after the Court entered its order, Plaintiff filed an amended complaint (#57). It was not filed as an attachment to a motion for leave.

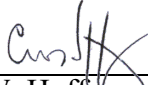
Federal Rule of Civil Procedure 15(a)(2), which applies in this instance, provides that "a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Additionally, the Court has instructed the Plaintiff, consistent with Fed. R. Civ. P. 15 and Local Rule 15-1(a), that any amended complaint must be attached to a motion requesting leave. *See* LR 15-1(a) ("[T]he moving party shall attach the proposed amended pleading to any motion to amend, so that it will be complete in itself without reference to the superseding pleading."). Plaintiff has not obtained the opposing party's written consent

1 nor sought leave of court as required by the federal rules, local rules, and order of the court.

2 Accordingly,

3 **IT IS HEREBY ORDERED** that Defendants' Motion to Strike Plaintiff's Amended
4 Civil Rights Complaint (#61) **granted**. The Clerk of Court shall strike Plaintiff's Amended
5 Complaint (#57).

6 DATED this 30th day of January, 2012.

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C.W. Hoffman, Jr.
United States Magistrate Judge